

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

ERIC CHENG (CABN 274118)
AJAY KRISHNAMURTHY (CABN 305533)
ALETHEA M. SARGENT (CABN 288222)
Assistant United States Attorneys

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
eric.cheng@usdoj.gov
ajay.krishnamurthy@usdoj.gov
alethea.sargent@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:23-cr-00269 JSW
)	
Plaintiff,)	JOINT STATUS STATEMENT
)	
v.)	
)	
MORTEZA AMIRI,)	
ERIC ALLEN ROMBOUGH, and)	
DEVON CHRISTOPHER WENGER,)	
)	
Defendants.)	

This matter is set for a status conference on September 19, 2023, and the Court has ordered the parties to submit a status report by September 12, 2023. Dkt. 40. The parties hereby respectfully submit this status report.

On August 16, 2023, a federal grand jury returned an indictment charging the Defendants with conspiracy against rights, in violation of 18 U.S.C. § 241, and deprivation of rights under color of law, in violation of 18 U.S.C. § 242. Defendant AMIRI is also charged with one count of destruction, alteration, or falsification of records, in violation of 18 U.S.C. § 1519.

1 Defendants ROMBOUGH and WENGER are represented in these proceedings by their
2 respective undersigned counsel. Counsel for Defendant AMIRI has not entered a general appearance;
3 the government has been informed that counsel who had specially appeared for him heretofore has
4 determined that a conflict exists, which will prevent their continuing representation of him. The
5 government further understands that Defendant AMIRI is in the process of securing new counsel.

6 On August 28, 2023, the Court entered a Protective Order as to Defendant ROMBOUGH, and
7 September 7, 2023, the Court entered a Protective Order as to Defendant WENGER. As of September
8 11, 2023, the United States has processed for export a first tranche of discovery for all defendants except
9 Defendant AMIRI. (Conflicted counsel has requested not to receive discovery on his behalf at this time,
10 and a separate Protective Order will be submitted to the Court once Defendant AMIRI obtains counsel.)
11 The first tranche of discovery includes approximately 5,800 pages for each of Defendants ROMBOUGH
12 and WENGER and will be sent to the defendants later this week. More discovery remains to be
13 produced, and the government will continue to do so on a rolling basis. Because defense counsel will
14 have only received the first tranche of discovery by the time of the upcoming status hearing, it will need
15 time to organize, review, and investigate that discovery before requesting a motions or trial date.

16 Defendant WENGER requests to waive his personal appearance for the upcoming status hearing.
17 Defendant WENGER resides in Hawaii. Defendant WENGER's counsel will be prepared to discuss
18 potential future dates at the time of any status conference. The government does not object to a waiver
19 of Defendant WENGER's personal appearance for the September 19, 2023, status conference. Should
20 the Court prefer Defendant WENGER to personally appear, Defendant WENGER requests that his
21 appearance be telephonic.

22 Given the early stage of the case and the government's ongoing efforts to produce complete
23 discovery, at the status conference, the parties will stipulate and agree to set a new status hearing in this
24 case on October 17, 2023, at 1:00 PM or at another date and time convenient to the Court and the
25 parties. The parties stipulate and agree that the time periods between September 19, 2023, and the
26 proposed new status date should be excluded under the Speedy Trial Act calculations. The parties also
27 stipulate and agree that failure to grant the requested continuance would unreasonably deny defense
28 counsel reasonable time necessary for effective preparation, taking into account the exercise of due

diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). Moreover, the government contends that, for Defendant AMIRI, time should be excluded for continuity of counsel. *Id.*

DATED: 9/12/23

Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/
ERIC CHENG
AJAY KRISHNAMURTHY
ALETHEA SARGENT
Assistant United States Attorneys

/s/
WILL EDELMAN
Counsel for Defendant ERIC ALLEN
ROMBOUGH

/s/
CANDICE FIELDS
DAVID FISCHER
Counsel for Defendant DEVON
CHRISTOPHER WENGER